

**Crime Laboratory Commission Meeting
Thursday October 16, 2014 @ 11:00 AM
OFFICE OF THE ATTORNEY GENERAL
LIBRARY 1'ST FLOOR
150 SOUTH MAIN STREET
PROVIDENCE, RHODE ISLAND 02903**

In attendance were Gerald J. Coyne, Deputy Attorney General, Rhode Island Department of Attorney General; Director Dennis Hilliard, Rhode Island State Crime Laboratory; Chief Joseph Tavares, RI Police Chiefs Association; Nancy Haley; Clay Choquette; Major Stephen Baker URI Security RI Police Chiefs Association; Chief Hugh Clements Providence PD; Deputy Chief Thomas Oates Providence PD.

I. INTRODUCTION

A. Welcome to Commission Members

Meeting was called to order by Gerald Coyne @11:10 AM

B. Approve Minutes of April 2, 2014

Mr. Coyne asked to approve the minutes of the July 10, 2014 meeting. Nancy Haley made a motion to approve the minutes and it was seconded by Clay Choquette. All were in favor and the minutes were approved.

II. FUNDING

A. Budget FY 2014

As discussed at the last meeting the budget for FY2014 closed out with a surplus of \$75,529.00. This includes partial fund balance from FY2013 and a fund balance from FY2014. The fund balance from FY2014 was due to salary and benefits savings on one position which was funded from July 1 but the employee was not hired until mid August. There was also savings on the purchase of the GC/MS and the five year service contract as accounting rules do not allow the service contract funds to be expended in advance. This resulted in a savings of \$23,594.00. All these funds will be transferred to FY2015. This results in a \$51,935.00 remaining balance which is now earmarked for the purchase of a new bullet recovery system to replace the current system which was purchased in 1997. The new tank will cost approximately \$36, 00.00, and the renovations for the new System to be placed in Fogarty Hall will utilize the balance of the surplus which is about \$16,000.00. The plan is to reorganize the space and to install safety features such as security cameras, and sound proofing. There was an issue as to if the sound was going to be problematic for the residents on the first floor. They were invited and an actual test fire was performed using the Bullet Buddy Tank. They said that when they were on the first floor it sounded like a door slamming. With the sound proofing it will probably reduce that noise about 50-60%. Any questions on FY 2014? No

B. Budget FY 2015

a. State Appropriation

Packets which were passed out at the start of the meeting include documents which URI Budget Office put together to present to the Department of Education which then is presented to the Department of Administration for consideration. State Appropriation of \$1,035,888.00 was reduced to \$1,032,220.00 a reduction of \$3,688.00 which is a savings in Medical and Vision Expenses. Only part of the FY2014 rollover funds has been transferred, proving \$1,094,216.00 in funds for FY2015. The remainder of the surplus will be transferred by the end of October, 2014. This will allow for renovations and repairs for the Bullet Recovery System. Included in the FY2015 budget also is the purchase of a new FTIR Micro-spectrophotometer which is about a \$125,000.00 purchase.

b. Professional Staff Salary Adjustment

URI has requested a supplemental to the FY2015 request to address the professional staff pay grade adjustment which was discussed at the last meeting. This amounts to about \$66,317.00 which will equalize the RISCL staff salaries to levels between the DOH, FSL, and the RISCL. At the last meeting The Commission approved a letter to be sent on behalf of the Commission to the University which was provided by Deputy AG Coyne. A copy of this

letter is in the packet for review.

Any questions on FY 2015? No questions.

C. Budget FY2016 Proposal

Please refer to the packet for the FY2016 proposal for \$1,167,355.00 which incorporates a expected COLA increase of 3% for that fiscal year and includes the anticipated grade increases for salaries. In FY2016 the Laboratory anticipates on purchasing a new UV/V spectrophotometer which is about \$110,000.00. This is an instrument that right now is not in the Laboratory, but will add to the quality of the TRACE section work.

Also there is a request for FY2017 for \$1,185,135.00 and this includes a request for a new Comparison Microscope for the Firearms Section.

Both of these proposals have been made by URI to the DOA so that they can start the budget planning for the next two years.

Any questions? No questions were asked.

D. Other Sources Funding

a. Coverdell FY2013

Total funds of this grant were expended in August of 2014.

b. Byrne FY2013

The funds from this grant were fully expended in August of 2014.

c. Byrne FY2014

We anticipate a Byrne Grant in the amount of \$16,589.00 The

application has been made to the RIPSGAO. The monies from this grant will be used to supplement the purchases of the FTIR and Ballet recovery system this year. In the event that we have to find additional monies for the renovations or additional money for the FTIR those funds will be designated for these purposes.

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d. Coverdell FY2014

Currently we are in the process of putting together a request to the RIPAGAO for \$14,181.75. This is from a four-way split between the RISCL, DOH Forensic Lab, Medical Examiner, and RISP. As mentioned at the last meeting DOH did apply for a discretionary grant which may have resulted in reduced funds, but that was not awarded. These funds are to be used for travel to conferences for continuing training and education of the Laboratory Staff.

e. Other Funding

URI Foundation money is still available. This money is mostly from the Rhode Island Criminalists Associates, who also this year provided funding for the blood spatter work shop which was held in June; evidence handling training which was held also in June; and the Crime Scene print processing workshop which was held in October. Director Hilliard then pointed out to the Commission that included in the packets was a flyer for this work shop and explained that the class was already full with 25 people in the class. Google request is still outstanding. Director Hilliard then stated that he heard it was mentioned in the Candidates' Debate on Channel 12

last week between AG Kilmartin and his opponent. Director Hilliard wanted to make it clear that when Google funds were requested the request did not include the hiring of new personnel. That the request was made for equipment purchases. The initial request included about ten items and so far out of the ten the laboratory has either purchased or has plans to purchase six out of the ten with State funds. So the amount of money requested has been reduced significantly. The request also included asking for funds for renovations. Director Hilliard explained that since it had been so long since the request was made and discussed that there was no mention of asking for additional personnel though this money. Chief Tavares then stated that it was his understanding that under the guidelines this was not permissible to spend funds on. Director Hilliard stated that he was told this by the Attorney General. Mr. Coyne then stated to Director Hilliard that when the time came to entertain a formal request that since six out of the ten items had already been purchased that at that time a new list of items would be requested. Mr. Coyne also stated that it is understandable that over time the list would change. Chief Tavares again stated that in addition to the AG's share of the Google money, East Providence has earmarked The Rhode Island Crime Laboratory as one of their partners. Director Hilliard stated that he did remember that conversation and thanked Chief Tavares. Chief Tavares stated that it remains in the initial proposal and in an update just before he left.

Any other questions on funding? None

III: LABORATORY STATUS

A. Laboratory Progress Report

a. Third Quarter

Director Hilliard stated that in the packet was the third quarter Crime Laboratory Progress report from January 1-September 30, 2014. Case submissions when compared to the same period last year are about the same number of cases. In fact there is only one less than last year. The numbers of exhibits are up about 100 items. Homicide cases are down three when compared to last year (17 this year compared to 20 last year at the same time). Firearm cases are up 21 cases (219 v 198). In terms of backlog the latest backlog summary is in the

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packet which shows the number of cases from each area. Firearms are the largest back log with almost 500 cases and some cases go back as far as 2010. For each two recent cases which are worked on one old case is done. Priorities are reported out mostly within two weeks. Recent priority latent print cases are reported out within two days. Latent and trace are reported within 90 days unless it is marked priority. Firearms again, can go back four years depending upon the case. Further discussion will be done with Providence Police Department later on during this meeting. A full evaluation will be included in the year-end report at the January Commission meeting. The NIBIN MOU was received from ATF and was recently signed by

Attorney General Peter Kilmartin.

The Laboratory is hosting a Law Enforcement fingerprint identification class in January of 2015 on Campus, and currently there are 40 Law Enforcement Officers who have signed up for this class. This is the largest class in about ten years. There have been quite a few requests from different agencies to send Officers to this class as this is a basic training in crime scene investigation. The class size number has been increased from 32 to 40 due to the increased number of requests.

There have been many requests for presentations from laboratory personnel throughout the state from different organization. Director Hilliard stated that apparently he has been on the Public Library circuit this year and has done ten library requests throughout the summer.

Any questions on the Progress Report? No questions were raised.

b. Firearms Backlog – Providence Police

Director Hilliard sated that he has had some discussions with Deputy Attorney General Gerald Coyne, URI President Robert Carothers who sits on the Advisory Commission about issues coming out of Providence in reference to the processing of guns, Commissioner

Steven Pare/Colonel Hugh Clements at the last Police Chiefs meetings. Director Hilliard stated there is some suggestion to bring a Firearm Examiner on board with the Providence Police Department. At this point of the meeting Colonel Clements addressed the Commission. He first thanked the Commission for allowing him to

attend and to have a voice. Colonel Clements stated that this in no way has any reflection on the Commission. Colonel Clements stated that he understood that the Laboratory has had problems with manpower due to monetary issues over the years, but he stated that in PPD's efforts in crime reduction strategies it would be extremely beneficial to have a quicker turnover. We thought that this was a good opportunity to have a discussion on the number of firearm backlog cases turned over to the laboratory as most of the backlog cases are from Providence and if there was possibly a chance to add an Examiner or possibly house some equipment or a unit within the headquarters of the Providence Public Safety Complex. Colonel Clements stated he did not know if it was feasible that this could be located on the Providence Campus of URI just to make it closer and to have one person working on the Providence cases. Colonel Clements explained that the volume from Providence is high on a week to week basis. Director Hilliard stated Commissioner Pare requested a statistical analysis of about how many cases have come into the Laboratory from Providence. This has been done and a copy is included in the packets along with charts. This basically shows total submissions to the Laboratory for the last three and a half years verses the total submissions from Providence. Total

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submissions from Providence are about 25-30%. Mr. Coyne then asked if this was just firearm cases and Director Hilliard explained that this was total cases. Director Hilliard explained these

submissions include second submissions because they may develop evidence later on in the same case and resubmit. Mr. Coyne then stated that the reality is that we are talking about 70% of firearms cases are coming out of Providence. He also stated that going back to at least 2011 he has also tracked the homicides for Providence and the numbers in Providence represents at least half of the homicides in the state, and that they are a little more than weighed in terms of firearms that are coming out of Providence. Director Hilliard then stated that he suggested to Commissioner Pare the possibility of having a Firearm Examiner in Providence could possibly be done. First, a Firearm Examiner would have to be hired and this examiner would be employed by the Laboratory for accreditation purposes, but that person would be housed in Providence. Director Hilliard then explained another issue with accreditation in that whatever the Examiner reports out this would have to be technically reviewed by another Examiner, which means that in actuality there, would have to be two people located in Providence. They would then have to be provided with a new comparison microscope and then somehow provide them with connectivity to the Laboratory Information Management System so that cases that they take in could then be contained within the Laboratory System. Mr. Coyne then stated that the discussion basically is about the priority for Providence as opposed to locals as Providence has the need for a rapid turnaround on some of the cases as this would be useful to them. Mr. Coyne then stated that he had just read a National report where NIBIN across the country had been criticized for not giving Police Departments the

tools that they need for real time turnaround. Mr. Coyne then inquired that instead of looking at hiring, etc. which would be not only be expensive, but a long process, would it be more feasible to look at the possibility of adding another firearms examiner which we all know that the State needs? Deputy Chief Oates then spoke and stated that logistically where the Laboratory is located is not good for PPD. He then explained that for the officers to take a 45 minute ride every day or two days does not make sense, and this problem is something that PPD is hoping can be resolved. He then had an example of an instance in which they were notified in June of two homicides which happened four years ago six weeks apart and the ballistics were from the same gun. He then stated that it would have been good to have known this four years ago, because there was nothing at that time to connect the two homicides. He then stated that he realizes that two examiners are needed to make a definitive comparison, but it would be helpful even if there was one Examiner who would state that he was 99% sure that these two cases were related and then send the case to URI for comparison. He then stated that right now by the time the comparison is done, letter drafted and mailed it is about a three week process. No phone calls are made for the most part and this does not include high priority cases only a routine case. He then stated that the report language is not something basic which the Police Department could read. He then stated that he has read shell casing comparisons which seem Chinese to the Officers. Basically he would like the report to state that the shell casings that have been picked up at i.e. 198 Canton Street are the same that were picked up

at 24 Ford Street and that they came from the same gun. Then a report can be generated to send to the Court. Director Hilliard then stated that this should be in the conclusion of the reports which are generated now. Mr. Coyne then asked if this concept is something that is being done anywhere as sort of an investigative focus which is more of a triage to look at investigative leads as opposed

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to the Lab analysis. Deputy Chief Oates then stated that the idea having a triage for Lab analysis would be good as a stepping stone process. He then stated that he thinks that the Police Departments need real time investigative information as quickly as possible. Director Hilliard then stated that he did meet with PPD in 2007 or 2008 with a suggestion to train one of the Detectives in this area and at that time the manpower just was not sufficient enough and he stated that he was told thank you but that it just could not be done at that time. He then stated that this idea was presented before. Director Hilliard then stated that he is willing to work with PPD in any way that needs be to resolve this matter, and also realizes that it money may be an issue. Mr. Coyne then brought up the Google settlement which does give an opportunity which was never available before and gives an opportunity to be innovative at some point. He then stated that it does make some sense to look around and see what can be done to make this real time. Just because no one else has done this does not mean that it cannot be done, and if it can be done Mr. Coyne stated that his guess it would be done in a state the size of Rhode Island

verses California. Mr. Coyne suggested that someone from the Laboratory, someone from Providence and someone from The Criminal Division to sit together and see what has been done and then what ideas can they suggest to come up with a model potentially worthwhile. He stated that by the time this is completed the funding could be available. Mr. Coyne stated that he felt that attacking gun violence would seem to fall under the Google guidelines. It was then discussed that if it were personnel only that would not be a problem, but that the money for equipment would need to be absorbed into Google funds. Mr. Coyne then stated he thinks this would be a good use of the Commissions resources to not just monitoring the budget see what can be done to make it better. There was some discussion about a satellite office with a central location possibly in the City of Providence which could help with cases in Pawtucket, Woonsocket, Central Falls, etc. Director Hilliard stated that in Massachusetts they have at least three to four satellite labs around the Boston area, and when there issues with no Firearm Examiner cases were sent up to Lakeview in Massachusetts. Director Hilliard stated that one way of reducing backlog was to look at old cases which have already been adjudicated and that a list was sent to Providence and he is not sure if this is being reviewed. Mr. Coyne then stated that when all Departments were asked to scrub to their lists it was much smaller of a reduction than the Commission had anticipated. Deputy Chief Oates states that Providence Police may be doing things which may be making it more difficult for the Laboratory also. He then stated that they needed to have a conversation as to how the work flow goes to

see how this can be improved. Director Hilliard agreed that there needs to be a meeting to try to come up with some type of solution. Deputy Chief Oates again stated the need for something centrally located to Providence or right with Providence and then obviously being a metro area they would take cases from Pawtucket, Warwick, etc. and prioritize their cases the same way Providence does. Anything else on Providence firearms?

c. AFIS Connectivity/Searches

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The Commission has been aware since April of 2014, of the problems which Laboratory personnel have encountered since the FBI changed over to the to the new NEIC program and left Rhode Island out on the cold on AFIS searches. Searches within Rhode Island and Connecticut are fine, but searches outside these areas provide improper information and images .Both of the fingerprint examiners are frustrated; especially Ed Dowling who feels that he is missing

identification because he cannot get the correct information. Since the last meeting there has been extensive communication between Director Hilliard and Deputy AG Coyne in an attempt to resolve this issue. During discussions one potential solution was to contact an IT person at FBI headquarters. It had been very difficult to get in touch with this individual and finally an email was sent. This resulted in him not calling us back but he contacted the individuals that we had been working with in West Virginia. They in turn contacted Ed Dowling yesterday morning and they told him that we cannot have this direct connection that we have been working on even though Connecticut, Massachusetts, and New Hampshire have the connection. They said they were disconnecting these connections. There is a potential solution which had been suggested early in the process, but right now it is a wait and see situation. The Commission needs to be aware that some of the unidentified developed latent prints are due in part to the lack of access to the FBI data base. The long term solution is for the State to upgrade the AFIS system with a system that can work with the FBI system. Connecticut is putting out an RFP for a new system and may be leaning toward a vendor other than Cogent. Mr. Coyne stated that there were now funds to upgrade the system. A grant was awarded. Director Hilliard then asked Mr. Coyne if there was any time frame. It was then discussed that going through a new RFP and new proposals could take at least six months and then installation. Director Hilliard then explained that if you have a person coming in from Massachusetts and commits a crime in Rhode Island even though finger prints are collected at the crime scene there is no

connection to check these, because the finger prints cannot be seen on the new system. There was recently a case out of North Providence where multiple latent prints were found. There was some unsolved palm prints. There was no ID on the fingerprints on the Connecticut Rhode Island system. When they did the AVIS search they could see the roll prints and one individual was identified though these who was from Massachusetts. The individual was not even a suspect on the radar for North Providence. Massachusetts State Police were contacted and they sent the cards down which resulted identifying three more palm prints to this one individual. So it took a few days to make this identification. Director Hilliard then asked Deputy Chief Oates if they do outside searches. He stated that they right now are in the process of replacing the AFIS System. Director Hilliard then advised him that he will need to look at something that is NGI compatible. Right now Director Hilliard stated that he is working with Deputy AG Coyne on a letter to explain the issues that Rhode Island is facing if connectivity cannot be achieved.

B. ISO/IEC Accreditation

There is a site visit planned for April/May, 2015.

C. Space Allocation

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Director Hilliard stated at the last meeting that he had been in

discussion with Director Steve Baker who had suggested that the RISCL be part of a planned Public Safety Building on the Campus of URI. The Commission agreed to send a letter of support which Deputy AG Coyne provided. Director Baker then stated that there was a preliminary meeting with the Vice President, and the Assistant Vice President regarding the letter. There is new Public Safety Building on the Master Plan, but funding has not been approved, but there is a spot for it. URI's position is that if there could be a plan to share funds and space that this possibly could work. URI is obviously looking to see what type of funding The Crime Laboratory would be able to bring to this project, as this could be a pretty substantial project. URI Public Safety has at least 75 employees all together, 40 alone are on the Kingston Campus which would need be housed. Director Baker stated that there would be a Master Plan meeting coming up next week which he will be attending. Question from Deputy Chief Oates – would this be at URI in Kingston, or possibly on the Providence Campus. It was discussed that this would be on the Kingston Campus. Deputy Chief Oates then stated it made no sense. Director Baker then stated that the concept of having a satellite in Providence could be explored if they could get an idea of how space they were looking for at the Providence Campus in the Shepard Building. Mr. Coyne then stated that he had a separate meeting before this meeting regarding BCI, because they are looking space allocations, due to the fact that more and more individuals are coming in for fingerprints and BCI checks, and the lobby is too small to accommodate at 150 South Main Street. He then stated that they

have talked to State Officials about the Pastore Complex, as it is so accessible. He stated that apparently there is one building where there may be some space available. He then stated that they have been looking at what functions could possibly be relocated there. Clearly the public function of BCI could go there and possibly a satellite Crime Laboratory office could go there also. This seems like it would make sense and would cost less money. Mr. Coyne then stated that there are some options out there and the time to have discussions would be now before The Department of Attorney General commits. Director Hilliard said that he is always open to new ideas of consolidating laboratory services to a single location. Chief Tavares then asked if there was any such thing as a mobile firearms laboratory.

Director Hilliard stated that there was a mobile forensic laboratory but stated that he wasn't sure about firing guns in a mobile environment but then stated that it could be done as they have a small device that they could fire guns into and collect the bullet and that he was sure anything could happen. Deputy Chief Oates stated that going to the Howard Complex as opposed as going to URI is a much better option for them.

IV. OTHER BUSINESS

A. Media and Crime Lab Presentations Concerns and Feedback

Director Hilliard stated that there are many requests for presentations and there were many calls the previous week over the letter that was sent to Johnston High School. Director Hilliard then

stated he was basically just checking with the Commission to see if there were any concerns.

B. URI/FSP Seminar Program Hand Out

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Enclosed in the packet was a copy of the upcoming URI/FSP Seminar so if the Commission knows of anyone who might be interested in attending and he explained that they are free and open to the public.

C. Federal Initiatives on Forensic Science

NIST is putting together the OSAC selections which should be completed by the end of October, 2014. There are over 600 professionals in this field and they are supposed to meet on a regular basis starting in January, 2015. The National Committee on Forensic Sciences has already had three meetings and the fourth meeting will be at the end of October, 2014. This meeting is live streamed and can be seen at www.justice.gov/NCFS. Previous meetings are also archived and they can also be viewed.

D. Federal Legislation

Both the Leahy and Rockefeller bills are still pending basically on hold with all the other issues that the Federal Government has been dealing with the last couple of months. There is a need from the Crime Laboratory Directors to get Congress to reauthorize the Coverdell Act. This money as mentioned earlier is split with DOH, RISP, and authorization for this money ends this year. All Laboratory

Directors have been asked to contact their Federal Representative and Senators to reauthorize the Coverdell Act and to fund it at the maximum level. They have also asked Police Chiefs, the Police Commissioner, Police Superintendent, and AG to to also write letters supporting the funding. Mr. Coyne asked Director Hilliard to send him an email with background so he could send a letter on behalf of RIAG.

E. Herb MacDonnell Files

The Herb MacDonnell files are being shipped to URI Library Special Collections. If there is anyone interested in viewing these files they will be at the URI Library.

As there was no further business to discuss Deputy Attorney General Gerald Coyle made a motion to adjourn with the members in favor; the meeting was adjourned at 12:00 PM

Minutes taken and transcribed by:

Monica Nason, Department of Attorney General